

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

UNIVERSAL DELAWARE, INC., et al., on
behalf of themselves and others similarly
situated,

Plaintiffs,

vs.

CERIDIAN CORPORATION, et al.,

Defendants,

OCT - 4 2010
BY D. MARK JONES, CLERK
DEPUTY CLERK

ORDER

Case No. 2:09-CV-169

Eastern District of Pennsylvania

Case No. 07-1078 (JKG)

Magistrate Judge David Nuffer entered an Order Denying Comdata Permission to Use or Redesignate Flying J. Documents (ECF No. 137) on August 17, 2010. Comdata timely objected to this order on August 30, 2010 (ECF No. 138), arguing that the Magistrate Judge erroneously denied Comdata's request to use two emails during a deposition and to reclassify the email messages. After a careful review of the Magistrate Judge's Order and Comdata's objection, the court concludes that oral argument is not necessary and enters the following Order. *See* DUCivR 7-1(f); 72-3(c).

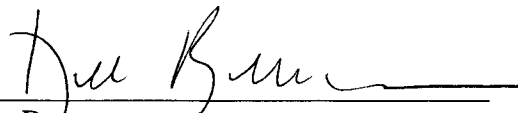
When considering timely objections to a magistrate judge's order on nondispositive matters, the court defers to the magistrate judge's ruling unless it was clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); *Allen v. Sybase*, 468 F.3d 642, 658 (10th Cir. 2006). A

factual ruling is clearly erroneous when “the reviewing court, after considering the entirety of the evidence, is ‘left with the definite and firm conviction that a mistake has been committed.’”

Kounelis v. Sherrer, 529 F.Supp.2d 503, 518 (D.N.J. 2008). “A ruling is contrary to law if the magistrate judge has misinterpreted or misapplied applicable law.” *Id.*

Applying this deferential standard, the court concludes that the Magistrate Judge’s Order was not clearly erroneous or contrary to law. Consequently, the court overrules Comdata’s objection.

DATED this 28th day of September, 2010.


Dee Benson
United States District Judge